

Serial No. 09/957,449
Docket No. KY004-US
LIN.002

REMARKS

Claims 1-16 are all the claims presently pending in the application. Claims 13 and 14 have been withdrawn from consideration. The claims have not been amended by the present Response.

Claims 1-12, 15 and 16 stand rejected under 35 U.S.C. §102(b) as being anticipated by Huang et al. (U.S. Patent No. 6,151,582; hereinafter "Huang").

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined in claim 1) provides a system and method for controlling item replacement in the database according to an automatic replace level defined in the MD related information. In this manner, items in the merchandise master (or otherwise) may be readily and easily replaced with different items, which meet predetermined criteria, and therefore reduce personnel costs associated with such tasks. (See Application at page 8, lines 1-33 and page 9, lines 1-7)

II. THE PRIOR ART REFERENCE

The Examiner alleges that Huang teaches the claimed invention of claims 1-12, 15 and 16. Applicants submit, however, that there are elements of the claimed invention, which are neither taught nor suggested by Huang.

That is, nowhere does Huang teach or suggest a *"system for placing orders for items, comprising a database having a plurality of masters"*, as recited in exemplary claim 1, and somewhat similarly recited in claims 8, 9, 12, 15 and 16.

The Examiner attempts to rely on Figure 5 and column 13, line 45 through column 14, line 36 of Huang to support his allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in this figure nor this passage (nor anywhere else for that matter) does Huang teach or suggest a system (or method) for placing orders for items including a database having a plurality of masters. Furthermore, nowhere does Huang teach or suggest that the database includes a merchandise master and a merchandise assortment related master.

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as defined in the claimed invention.

Indeed, Huang merely teaches a DSS database 12 that supports the execution of the decision support functionality of the decision support system (DSS) 10. The DSS database 12 includes synthesized data drawn from external supply chain information sources and systems 15 (see Huang at column 6, lines 25-43). Nowhere does Huang teach or suggest that the DSS database 12 includes a plurality of masters, let alone the specific masters recited in the claimed invention.

The Examiner alleges that the merchandise master and the merchandise assortment related master of the claimed invention are taught in column 13, line 45 through column 14, line 36 of Huang. However, this passage of Huang is not directed to the DSS database 12. Thus, this passage does not teach or suggest a database including merchandise master and a merchandise assortment related master, as recited in the claimed invention.

Moreover, Huang does not teach or suggest that *"the server comprises an item replacing controller for, when an item stored in the merchandise master is to be replaced with an item that is a replaceable item but is not contained in the MD related information, controlling the replacement of items provided to the dealers from the customers, according to an automatic replace level defined beforehand in the MD related information"* (emphasis added by Applicants), as recited in claim 1, and similarly recited in claims 8, 9, 12, 15 and 16.

Indeed, the Examiner does not even address this feature of the claimed invention in the Office Action. The Examiner merely alleges that there are a "plurality of model engines" in Huang. However, the description at column 13, line 45 through column 14, line 36 does not satisfy the plain meaning of the claim language of even the independent claims, let alone the details of the dependent claims. The rejection makes no attempt to justify the details of the claims by the generic description at the cited lines.

Furthermore, Applicants submit that the Examiner's rejection fails to address each and every limitation recited in dependent claims 2-7, 10, and 11, and has therefore, failed to meet the initial burden of a *prima facie* rejection.

If the Examiner wishes to maintain the rejection of claims 1-12, 15 and 16 Applicants request the Examiner to specifically address each and every feature in the claimed invention

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(as recited in all claims 1-12, 15 and 16) and point out where each of the claimed features is allegedly taught or suggested in the cited prior art reference.

Therefore, Applicants submit that there are elements of the claimed invention that are not taught or suggest by Huang. Therefore, the Examiner is respectfully requested to withdraw this rejection.

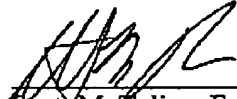
III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-16, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



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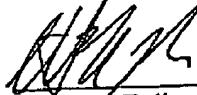
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FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 3627, at
(571) 273-8300, on October 26, 2006.

Date: October 26, 2006

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